**Natural England’s Position Statement for Applications within the Sussex North Water Supply Zone**

**September 2021 – Interim Approach**

We have just become aware that Natural England has expressed concerns about new developments because of water abstraction problems. This effects Horsham, Crawley and Chichester Councils.

Their position statement can be found here:

[**https://www.horsham.gov.uk/\_\_data/assets/pdf\_file/0019/106552/Natural-Englands-Position-Statement-for-Applications-within-the-Sussex-North-Water-Supply-Zone-September-2021.pdf**](https://www.horsham.gov.uk/__data/assets/pdf_file/0019/106552/Natural-Englands-Position-Statement-for-Applications-within-the-Sussex-North-Water-Supply-Zone-September-2021.pdf)

In a position statement sent last week to Horsham, Crawley and Chichester councils, which fall within the Sussex North Water Supply Zone, Natural England lays out its concern that current levels of water abstraction are having an adverse impact on protected sites in the region, and advises that developments within the zone must not add to this impact.

The statement from the environmental regulator says the “matter should be resolved in partnership through local plans across the affected authorities”, adding that Natural England is “working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy”. It defines water neutrality as the use of water in a supply area being the same or lower after a development is in place.

However, while the strategy is being pulled together, the regulator advises that planning decisions be paused, and that any application that is deemed critical for approval before the strategy is ready must be able to demonstrate water neutrality.

The statement cites recent European Court of Justice case law, including the so-called Dutch nitrogen case, which itself has already caused a housing logjam across parts of England because of resulting advice from Natural England stating that nitrogen levels should not be exceeded as a result of new development.

In response, Horsham Council has announced it “will be pausing some planning application decision-making until we have fully considered this matter”.

While the other two councils have not publicly announced a pause, Crawley Council has said that for applicants who are unable to prove that their development will be water neutral, the council “would unfortunately have no choice but to refuse them, as a matter of law, in light of the Natural England statement”.

The new advice has been met with trepidation by some in the development sector, with the founder of architect firm Snug Architects describing it as “the latest crisis emanating from Natural England” and expressing fears on social media that the advice presents “a risk of a new moratorium on new development”.

The statement makes clear that “the securing of water neutrality is a matter which needs to be resolved at a strategic level and Natural England is working with the relevant authorities and the water company to achieve this”. As a result, the regulator has said it would “not be engaging with individual planning applications whilst the strategy is evolving”.

In response to concerns that this advice could bring about a new housing moratorium, Frances Randerson, planning manager at Natural England, said: “Water resources are a very well-known pressure in the South East. Natural England, local authorities and other partners are working to a shared objective that water is available for all. This work supports taking a consistent and transparent approach at plan level, rather than on a case-by-case basis, and has enabled Crawley and others to take robust planning decisions.”

The map shows that the area covered is the north of Chichester District. At this stage, we do not know what impact this will have on the south of the District and in particular the Manhood Peninsula

